

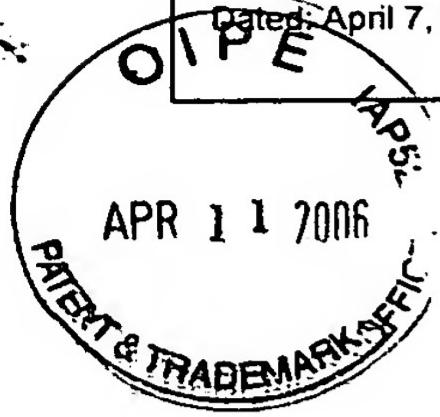
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 7, 2006

Signature:

(Raymond Garguilo, Jr.)

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Docket No.: SPINE 3.0-437 CIP CIP CIP CIP CIP CON VI
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/642,529

Confirmation No.: 3170

Filed: August 15, 2003

Art Unit: 3738

For INTERVERTEBRAL SPACER DEVICE
: HAVING A CIRCUMFERENTIALLY BURIED
WIRE MESHENDPLATE ATTACHMENT
DEVICE

Examiner: B. E.
Pellegrino

**REPLACEMENT OF TERMINAL DISCLAIMER IMPROPERLY
FILED WITH CORRECTED TERMINAL DISCLAIMER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

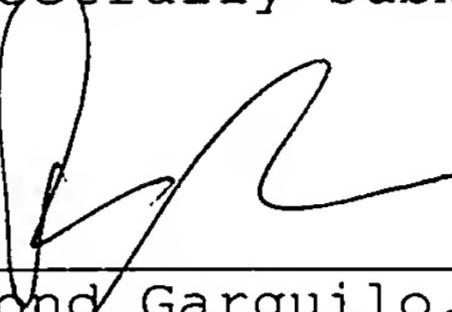
Applicant submitted a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application on April 6, 2006 in the subject case. The pending Application Number was improperly cited as "10/643,522", the correct cite is "10/642,522". Please substitute the enclosed corrected Terminal Disclaimer for the one previously filed.

If there are any additional charges in connection with this requested response, the Examiner is authorized to charge Deposit Account No. 12-095 therefor.

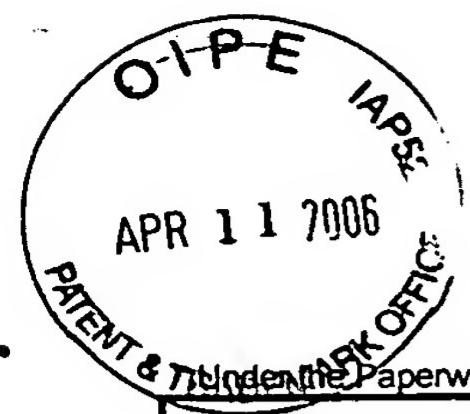
Dated: April 7, 2006

Respectfully submitted,

By _____


Raymond Garguilo, Jr.

Registration No.: 50,930
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant



PTO/SB/25(10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TERMINAL DISCLAIMER TO OBLIVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

SPINE 3.0-437 CIP CIP CIP CIP CIP CONVI

In re Application of: Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Application No.: 10/642,529

Filed: August 15, 2003

For: INTERVERTEBRAL SPACER DEVICE HAVING A CIRCUMFERENTIALLY BURIED WIRE
MESHENDPLATE ATTACHMENT DEVICE

The owner*, SpineCore, Inc., of 100%
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/642,522, filed on 8/15/2003, of any patent granted on the pending second application. The owner agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Signature4/7/06
DateRaymond Garguilo, Jr.
Typed or printed name

- The Commissioner is hereby authorized to charge the disclaimer fee under 37 CFR 1.20(d) to
Deposit Account No. 12-1095

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 7, 2006

Signature:
(Raymond Garguilo, Jr.)